

### REMARKS

In the outstanding Office Action, the Examiner has rejected Claims 12-15 and allowed Claims 11. No new matter has been added. Thus, Claims 12-15 are presented for further examination. Reconsideration and allowance of all Claims 1-15 in light of the present remarks is respectfully requested.

#### Rejections Under 35 U.S.C. § 102(e)

The Examiner has rejected Claims 12-14 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,320,969 to Killion.

Regarding Claims 12-14, the Examiner stated that "Killion teaches a method for detecting low battery voltages or reducing squeal in a hearing aid that comprises a battery (11) and an audio amplifier (14)." The Examiner further stated that the method taught by Killion "comprises sensing a low battery voltage (col. 3, lines 30-57), substantially disabling the audio amplifier (col. 6, lines 4-17) and loading the battery (col. 5, lines 12-35)."

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053.

Claim 12 recites a method of "reducing squeal in a hearing aid comprising a battery and an audio amplifier, the method comprising sensing a low battery voltage and, in response thereto, substantially disabling said audio amplifier and loading said battery."

Killion describes an alarm circuit 20 for a hearing aid 10, wherein the hearing aid comprises a battery 11, an on-off switch 12, and an amplifier 14, and wherein the alarm circuit is coupled to the amplifier 14 and the on-off switch 12. *Killion at col. 2, lines 38-42; Fig. 1*. In response to detection of a low battery voltage, the alarm circuit activates an audible alarm heard privately by the hearing aid wearer. Specifically, the alarm circuit 20 creates an AC output signal which is provided to the amplifier circuit 14 through output 72, where the amplifier circuit 14 receiving the AC output signal is coupled to a receiver providing an audible warning signal to the user indicating low battery voltage. *Col. 5, lines 32-35, 64-67; Fig. 1, Fig. 2*. Thus, the alarm is not audible if the audio amplifier is disabled, and the amplifier circuit remains functional and continues to receive power from the battery even when the battery voltage is low.

Applicant respectfully submits that Killion fails to teach “substantially disabling [the] audio amplifier and loading [the] battery” as recited in Claim 12. As illustrated in Figure 1 of Killion, the amplifier circuit 14 is coupled to the battery independently of the alarm system 20, and the amplifier circuit 14 continues to receive power from the battery even when a low battery level is detected by the alarm system 20. The output signal from the alarm system 20 will only provide an audible alarm signal to the earphone 15 if passed through the audio amplifier 14 when enabled. In one embodiment, Killion’s alarm system 20 provides a manual shut off of the alarm. Specifically, a capacitor charging circuit 35 is configured to retain charge on hold capacitor 36 long enough for the battery to be disconnected and reconnected quickly, thereby disabling the alarm. *Col. 6, lines 4-15; Fig. 3*. However, disabling the alarm does not disable the amplifier circuit 14, where, as illustrated in Figure 1 and previously discussed, the audio amplifier 14 is coupled to the battery 11 independently of the alarm circuit 20. Furthermore, where the act of disconnecting the battery may disable the amplifier circuit 14, the battery cannot be both disconnected as described by Killion, and loaded, whereas the method of Claim 12 comprises “substantially disabling [the] audio amplifier and loading [the] battery.”

Thus, as Killion fails to describe, either expressly or inherently, every element as set forth in Claim 12, Applicant respectfully submits that Claim 12 is in condition for allowance.

Because Claims 13-15 depend from Claim 12, pursuant to 35 U.S.C. § 112, ¶ 4, they incorporate by reference all the limitations of the claim to which they refer. It is therefore submitted that these claims are in condition for allowance at least for the reasons expressed with respect to the independent claim, and for their other features.

#### CONCLUSION

Applicant has endeavored to address all of the Examiner’s concerns as expressed in the outstanding Office Action. Accordingly, arguments in support of the patentability of the pending claim set are presented above. In light of these remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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